

When the Oklahoma Corporation Commission Says “No Further Action,” How Much Does It Count?

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Hull v. JP Energy Marketing, LLC et. al, No. 123,866 (Okla. Civ. App., Div. I, Sept. 10, 2026) (not for official publication)

A Love County landowner asked an Oklahoma district court to order a pipeline operator to clean up ground the Oklahoma Corporation Commission (OCC) had already declared fully remediated. The court declined to grant the requested mandatory preliminary injunction. On September 10, 2026, the Court of Civil Appeals affirmed.

The court drew a line that operators in the oil and gas and midstream industries should study.

An OCC no-further-action letter and a final order closing a spill site do not bind a district court hearing a private nuisance claim. But the court may weigh them as evidence and may rely on them in holding that a plaintiff has not shown (by clear and convincing evidence) the likelihood of success needed to justify a mandatory cleanup injunction.

GableGotwals represented defendants/appellees Blueknight Energy Partners, LP and Coffeyville Resources Crude Transportation, LLC who were successor owners of the pipeline where the leak originated.

What Happened?

In January 2015, a JP Energy Marketing (JPE) pipeline released roughly 800 barrels of crude onto industrial-use property in Love County. JPE remediated the area impacted by the release under the supervision of the OCC and EPA. On January 19, 2017, the OCC issued a no-further-action letter concluding that the site “can be closed with No Further Action Required.”

Three months later the landowners sued JPE and Blueknight — the latter as a successor owner under 50 O.S. § 5 — for nuisance, negligence, and trespass. Coffeyville Resources Crude Transportation was joined later. The petition demanded a jury, substantial damages, and a complete cleanup of the surface, the subsurface, and the groundwater.

In 2019 the plaintiffs moved for an abatement and cleanup order: a mandatory injunction compelling remediation before trial. The district court denied the motion without an evidentiary hearing. A division of the Court of Civil Appeals reversed in April 2023 and remanded for a hearing.

Two things happened while that appeal was pending. The district court denied the plaintiffs’ motion for partial summary judgment on the polluted condition of the property, holding that reasonable minds could differ and that the question belonged to a jury. And the OCC entered a final order in 2023, finding the spill had been “fully remediated” in accordance with all applicable cleanup standards, laws, rules, and regulations. The plaintiffs neither excepted to that order nor sought review of it.

The evidentiary hearing came in July 2024. The landowners offered analytical testing, photographs, and expert testimony that pollution remained. The defense offered expert testimony that hydrocarbon levels were declining through natural attenuation and bioremediation, that the residual oil posed no risk to human or environmental health, and that the cleanup met OCC and industry standards. The district court denied the injunction in a short journal entry: the plaintiffs had not established a likelihood of success by clear and convincing evidence, and the Commission's finding that the site was fully remediated "bears favorably on this issue in favor of Defendants." Plaintiffs appealed.

What the Court of Civil Appeals Held

OCC closure determinations do not bind a district court. Private nuisance abatement claims are private-rights disputes, and those fall exclusively within the district courts' jurisdiction. OCC's jurisdiction, by contrast, is constitutionally and statutorily confined to the resolution of public rights through regulatory enforcement. Neither the NFA letter nor the final order controlled the outcome below.

OCC closure determinations are still evidence. Reasonable minds may differ, the court wrote, over whether the OCC's determination of full remediation cuts against a claim that the property remains polluted. The district court could properly weigh the NFA letter and the final order in deciding that the plaintiffs had not carried their clear-and-convincing burden on likelihood of success.

Conflicting expert proof defeats a pre-trial mandatory injunction. Mandatory injunctions draw heightened scrutiny. Where the OCC record, the experts, and the parties' documents point in opposite directions, whether the property is still "polluted" under Oklahoma law is a determinative fact for the jury, not a basis for extraordinary relief before trial.

Why it Matters

Engaging with the OCC pays evidentiary dividends. *Hull* does not make a closure determination preclusive of later nuisance, trespass, or negligence claims. It does confirm that a well-built administrative record — agency oversight, technical review, risk-based assessment and corrective action, and a final determination that remediation is complete — can be placed before a judge and a jury as persuasive proof. An operator who forgoes the regulatory process forfeits that proof.

Unchallenged agency orders arrive in court unimpeached. The *Hull* plaintiffs let the 2023 final order become final without exception or review. It then came into the district court with nothing said against it. Parties on both sides of these civil disputes should treat the administrative record as litigation evidence from the day it is created.

The relief requested shapes the analysis. A claim for money is a different animal from a demand that a court order a cleanup. The second asks a judge to weigh the public interest and to displace an agency's remediation judgment. *Hull* shows that the clear and convincing standard, applied with heightened scrutiny, is a real obstacle to that request.

Contested pollution stays with the jury. Competing expert opinions about residual hydrocarbons will rarely be resolved on the papers or at a pre-trial hearing; a point that cuts against pre-trial abatement but also keeps the merits alive for trial.

The Larger Question the Opinion Leaves Open

Spills and releases can occur during oilfield activities the OCC expressly permits. The Legislature gave the OCC "exclusive jurisdiction, power and authority" over the handling and disposition of saltwater, brines, and other deleterious substances; spills associated with oil and gas facilities; and the "construction, operation, maintenance, site remediation, closure and abandonment" of those facilities. 52 O.S. § 139(A), (B)(1)(i), (j), (B)(2).

Most of the time, no conflict arises. The operator cleans up the release under OCC supervision and pays the affected owner surface damages. And when a landowner sues for more, the traditional answer has been straightforward: district courts decide private disputes, the Commission decides public ones. Exclusive jurisdiction over remediation does not bar a private suit for damages.

The line blurs when a plaintiff asks for a cleanup injunction in addition to a check. A mandatory abatement injunction requires the court to weigh the public's interest in the remediation it is being asked to order. A public nuisance claim rests on injury to the community. In both, the harm alleged and the remedy sought are public rights — substantively and formally the same public rights that ground the Commission's exclusive jurisdiction.

Hull presented that problem squarely. The OCC had found the spill fully remediated and required nothing further of the operator. The plaintiffs asked the district court to order a far larger and more extensive remediation project, before any trial on the merits. Had the court granted that relief, it would have reversed or interfered with the OCC's final order in substance if not in name. The court denied the motion, and the Court of Civil Appeals affirmed, so the collision was avoided rather than resolved.

The question survives for trial: may a jury find that further remediation is required when the agency vested with exclusive jurisdiction over oilfield spills and site remediation has found otherwise? *Hull's* answer appears to be yes. The OCC's order is evidence, not a limit on the court's power.

That answer may have some appeal as a matter of balancing public policy. It gives both sides an evidentiary tool and keeps the courthouse open to landowners. But it also means that the OCC's "exclusive jurisdiction" over the remediation of oilfield releases is not truly exclusive, and that its orders may be second-guessed by judges and juries in private civil litigation. If the OCC found a spill required more remediation, but a judge or jury disagreed and held that remediation was complete, would the result be the same?

The better balance, in our view, would respect both the Commission's constitutionally protected role over public rights and the private remedies available to landowners. In that view, district courts would keep full jurisdiction over damages arising from a release but may not circumvent the Commission's jurisdiction through mandatory cleanup injunctions or determinations of public nuisance arising from oilfield activities governed exclusively by the OCC. One forum should decide how much cleanup Oklahoma law requires. Another should decide what the release cost the landowner.

A note on the Opinion's Status

Hull is not for official publication. It carries no precedential weight, and counsel should consult Okla. Sup. Ct. R. 1.200 before citing it. Its value for now is predictive: it shows how one division of the Court of Civil Appeals reads the interaction between OCC closure determinations and private abatement claims, and it frames an issue that is likely to return.

For assistance with OCC and environmental matters, please contact any member of the [Environmental and Natural Resources Team](#).

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